

**EXHIBIT B**



**Mills-Peninsula  
Health Services**

A Sutter Health Affiliate

**Rehabilitation  
Services**

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November 16, 2007

Honorable Susan Illston  
U.S. District Court  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

RE: Martin Simon

Dear Judge Illston:

Martin Simon has been under my care for rehabilitation since January of 2006, following a gunshot injury to the brain and right arm. The following describes his general degree of physical and mental impairment and why, in my opinion, he is continuously incapable of self-sustaining gainful employment and fully independent living.

The gunshot shattered the right humerus near the elbow limiting movement of the elbow and the right forearm. The brain injury places him at risk for seizures and has resulted in a right visual field cut. He is unable to see individuals approaching him or objects in his right visual field.

Most significantly, because of his brain injury, he has persisting cognitive impairments complicated by a lack of awareness of these deficits and essentially no ability to adjust his behavior in an attempt to compensate. He is behaviorally disinhibited and extremely concrete in ideation with difficulty in understanding complex language or simple abstract concepts. His impairments in judgment and problem solving leave him easily influenced by others and susceptible to exploitation-obviously an issue in a prison setting.

Though I suspect this constellation of cognitive and behavioral issues may have been present to some extent prior to his injury, they are now substantially increased, so much so that in my opinion, Mr. Simon needs, and will continue to need, competent adult supervision for all decisions regarding his health care, finances and general life care decisions.

These impairments are permanent but have the potential for modest improvement given a supportive environment away from the potentially criminal influences of his former and current acquaintances and the appropriate type of rehabilitative care. Given the above, I do not see Martin being able to sustain any type of independent gainful employment-

though he could possibly be successful in a supported employment setting given adequate structure and supervision.

I understand that, through his mother's efforts, Mr. Simon may eventually be relocating to the Seattle, WA area in which case he should be directed to the Department of Rehabilitation at the University of Washington. There is a strong brain injury program there where Martin's medical, rehabilitative and social needs could be addressed.

Thank you for taking these issues into consideration. Please feel free to contact me if you have any questions.

Yours truly,



Lefkos Aftonomos, M.D.  
Medical Director